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Attorney Reference Number 6122-66637
PATENT

EXPRESS MAIL LABEL NO. EV339203767US
DATE OF DEPOSIT: October 14, 2003

03945 U.S. PTO
10/686548

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP PATENT APPLICATION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Transmitted herewith for filing is the continuing patent application of:

Inventor(s): Jeffrey S. Bauer, Timothy P. Hyatt, Huiying Wang and Robert L. Buck

For: POSITIVE DETECTION LATERAL-FLOW APPARATUS AND METHOD FOR
SMALL AND LARGE ANALYTES

Enclosed are:

- ☒ 42 pages of specification, 7 pages of claims, and an abstract
- ☒ 6 sheet(s) of drawings
- ☒ 12 pages of an Oath or Declaration
- ☒ Newly executed (original or copy)
- ☒ Preliminary Amendment
- ☒ Information Disclosure Statement.
- ☒ Form PTO-1449.
- ☒ Request for Non-publication and Certification under 35 U.S.C. § 122(b)(2)(B)(i)

Continuing Application:

- ☒ Continuation
- ☐ Divisional
- ☐ Continuation-in-part (CIP)

Information from Prior Application:

Prior Application Number: 09/835,304
Examiner: Counts, Gary W.
Art Unit: 1641

- ☒ This application is a continuation of U.S. Patent Application No. 09/835,304 filed April 13, 2001, which claims priority from U.S. Provisional Application No. 60/197,365 filed April 14, 2000, and U.S. Provisional Application No. 60/203,696 filed May 11, 2000, both of which are incorporated herein by reference.

- ☒ Please enter the preliminary amendment prior to calculation of fees. The fee has been calculated as shown below.

FILING FEE					
For	Claims Filed	Number Allotted	Number Extra	Rate	Basic Fee
Total Claims	46	20	= 26	\$9.00	\$ 234.00
Independent Claims	3	3	= 0	\$43.00	\$ 0.00
Multiple Dependent Claim Fee				\$145.00	\$0.00
TOTAL FILING FEE					\$619.00

- ☒ Small entity status is claimed for this application.
- ☒ Assignee for this application is or will be A-Fem Medical Corporation, and applicants request that this information be listed on the published application.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By William D Noonan
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cc: Docketing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bauer et al.

For: POSITIVE DETECTION LATERAL-FLOW APPARATUS AND METHOD FOR
SMALL AND LARGE ANALYTES

Examiner: To be assigned

Art Unit: To be assigned

Date: October 14, 2003

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REQUEST FOR NON-PUBLICATION AND CERTIFICATION UNDER

35 U.S.C. § 122(b)(2)(B)(i)

Applicant may rescind this nonpublication request at any time. See "Request to Rescind Previous Nonpublication Request". If applicant rescinds a request that an application not be published under 35 U.S.C. § 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. § 122 (b)(2)(B)(iii)).**

This request is signed in compliance with 37 CFR § 1.33(b) and is submitted with the application **upon filing**. I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. § 122(b).

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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